

REMARKS

Applicant has carefully reviewed the Office Action mailed February 9, 2006 and offers the following remarks.

In the Office Action mailed February 9, 2006, the Patent Office issued a restriction requirement under 35 U.S.C. § 121 to elect a single disclosed species for prosecution. The species of *Malus domestica* within the genus of *Malus* has been elected.

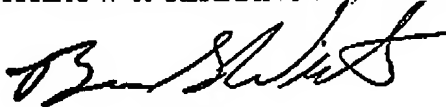
Given the nature of the originally filed claims, Applicant has chosen to rewrite the claims to comply with the restriction requirement. The new claims reflect the election of the species *Malus domestica*. Applicant reserves the right to file a divisional patent application to prosecute the non-elected species, *Malus pumila* and genus *Pyrus*.

Applicant respectfully requests consideration of the claims, and earnestly solicits claim allowance at the Examiner's earliest convenience.

Respectfully submitted,

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